IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: AGARWALLA, et al. Patent Application

Application No.: 10/666,093 Group Art Unit: 2157

Filed: September 19, 2003 Examiner: El Chanti, Hussein A.

For: A SYSTEM AND METHOD FOR PROVIDING SECURE ACCESS TO A
REMOTE DESKTOP ACROSS FIREWALLS IN AN INTERACTIVE GRID ENVIRONMENT

REPLY BRIEF

In response to the Examiner's Answer mailed on July 14, 2008, Appellants respectfully

submit the following remarks.

<u>REMARKS</u>

Appellants are submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellants are addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellants agree with the other arguments presented in the Examiner's Answer.

This Reply Brief presents Appellants' understanding of the cited references Butman and Herse, Appellants' understanding of why Butman does not anticipate the embodiments recited by the independent Claims 1, 12 and 20, and Appellants' understanding of why Butman and Herse cannot be combined.

<u>Examiner's Answer page 13 line 3</u>

The Examiner's Answer states with regards to Butman in the 3rd line of page 13, "…the firewall shields the entire network from external intrusion." Applicants respectfully reiterate that MPEP 2131 requires that the elements be arranged as required by the claims. The Examiner's Answer only addresses <u>Butman's external communication's embodiment</u>. Appellants reiterate that with respect to Butman's internal communication's embodiment, Butman's firewalls are not used for protecting Butman's requested objects (Figure 1A and Col. 12 lines 28-30). With respect to Butman's external communication's embodiment, Butman's client side communication servers communicate only through domain servers (Col. 12 line 67 to Col. 13 line 4) and therefore Butman would not teach "…communicate directly with said resource."

Examiner's Answer page 13 lines 7-8

The Examiner's Answer states at page 13 lines 7-8, "Also with regards to applicant's arguments that Butman does not disclose a first firewall because the client is located behind the firewall." This is a misquotation of Appellants' statement. Appellants reiterate with respect to Butman's internal communication's embodiment "Appellants understand Butman to teach that a firewall associated with a corporate site would not apply to communications between client side communications servers that are associated with the same corporate site. For example, assume that one of Butman's client side communications servers requests an object from one of Butman's client side communications servers where both servers are associated with the same corporate site. In one example of this situation, the firewall that the servers are behind, or any other entities of Butman's that are behind the site's firewall, would not be coupled to the requested object for protecting the object and for providing secure access to the object" (emphasis added).

Examiner's Answer page 13 lines 16-17

The Examiner's Answer states on page 13 lines 16-17, "Appellant argues that Butman does not disclose communicating directly with the resource.." Appellants respectfully submit that this statement is taken out of context. Appellants reiterate that with respect to Butman's external communication's embodiment, Butman's client side communication servers communicate only through domain servers and therefore Butman's external communication's embodiment would not teach "...communicate directly with said resource."

<u>Examiner's Answer page 13 line 20 to page 14 line 2</u>

The Examiner's Answer states on page 13 line 20 to page 14 line 2, "There is no language in the claim that would suggest that the session between the client and the resource need to go through the firewall or the remote server…" Appellants respectfully agree. Appellants also respectfully point out that Claim 1 recites "a remote display server coupled to said first firewall for providing secure access to said resource over a secure connection…," Claims 12 and 20 recite "…said resource is protected by a first firewall…a remote display viewer protected by a second firewall…."

<u>Examiner's Answer page 14 lines 7-11</u>

The Examiner's Answer describes Butman's external communication's embodiment on page 14 lines 7-11 and summarizes it by saying at page 14 line 11, "Therefore, C1 would communicate directly with C3 <u>through A1</u>" (emphasis added). Appellants respectfully point out that if C1 communicates with C3 through A1, then C1 is not communicating directly with C3. Further, Appellants reiterate that Butman states at Col. 12 line 67 to Col. 13 line 4, "…client side communication server C1 is able, by communicating directly <u>only with</u> domain server A1, to send information to any of the others in communication with domain communications server A1" (emphasis added).

<u>Examiner's Answer page 14 lines 12-13</u>

The Examiner's Answer states at page 14 lines 12-13, "Fig. 5 and 6, appellant's disclosure shows that the direct connection between the client and the resource go through a proxy server." Appellants respectfully submit that the instant application serial no. 10/666,093

200311526-1

Application No.: 10/666,093
Group Art Unit: 2157

3

provides enabling disclosure for "wherein said client is enabled to <u>communicate directly</u> with said resource over said secure connection during said interactive session," (emphasis added) as recited by independent Claim 1 and "<u>communicating</u> graphical data between said remote display viewer and said remote display server <u>directly through</u> said SSL connection," as recited by independent Claims 12 and 20 at page 10 lines 21-22, page 11 lines 10-12 and page 11 lines 17-19, among other places. Page 10 lines 21-22 state, "The end-user then interacts directly with this remote execution node 235 through the established session." Page 11 lines 10-12 state, "The information service 320 stores information about the computing resources associated with and <u>located at</u> each of plurality of execution nodes 230" (emphasis added). Page 11 lines 17-19 state, "…the end-user can submit requests directly to the remote execution node 235, to launch multiple applications. A session launching multiple applications is defined as a global interactive session"

<u>Examiner's Answer page 15 lines 1-2</u>

The Examiner's Answer states at page 15 lines 1-2 "…Butman teaches claims 1 and 12 as claimed as illustrated above and therefore the combination of Butman and Herse teaches the limitations of claims 3, 7, 11, 14 and 22. Appellants respectfully disagree that Butman teaches the embodiments recited by the independent Claims 1, 12 and 20 for reasons discussed herein and in the corresponding Appeal Brief. Second, for at least the reason that Butman requires that communications go through a domain server for his external communication's embodiment, Appellants understand Butman to teach away from "<u>a first firewall coupled to said resource</u> for protecting said resource; and <u>a remote display server coupled to said first firewall</u> for providing secure access to said resource over a secure connection and for providing interactive graphical

data associated with said resource, wherein said client is enabled to <u>communicate directly</u> with said resource over said secure connection during said interactive session," (emphasis added) as recited by Claim 1 and teaches away from "receiving a request for a resource provided by a grid computing application service provider wherein said resource is <u>protected by a first firewall</u>; initiating a remote display server for providing graphical data associated with said resource to a remote display viewer <u>protected by a second firewall</u>...<u>communicating</u> graphical data between said remote display viewer and said remote display server <u>directly through</u> said SSL connection," as recited by independent Claims 12 and 20.

Further, Appellants understand Herse to <u>teach away from</u> Butman, and vice versa. Therefore the teachings of Butman and Herse cannot be combined. For example, referring to the title and the abstract, Herse teaches a method of controlling access for software development via a virtual common desktop with a plurality of viewers that uses a virtual network computing (VNC) system. Herse states at Col. 2 lines 19-36,

> The present invention allows the session owner to create and maintain access control to the desktop's server on a per viewer and per session basis. Information such as the IP address, logical machine name of a VNC viewer which connects to the desktop, and connected viewer status (active/passive) is provided on a video display for viewing by the session owner. Also presented on the video display for viewing by the session owner is such information as when a viewer disconnects from the desktop and the number of viewers connected to the desktop from a given IP address. The present invention allows the session owner to use the video display to change the status of any connected viewer, and further provides auditing and VNC logfile monitoring the desktop server for errors and insensitivities and notifies the session owner when problems are detected. An audio "beep" is also provided to notify the session owner whenever a view connects or disconnected from the VNC session.

Therefore, Appellants understand Herse to teach increasing security by providing a session owner with information so that the session owner can take appropriate actions.

Appellants do not understand Herse to teach anything about firewalls. The instant application serial no. 10/666,093 states in the last sentence of page 18, "It is appreciated that conventional VNC is not secure and does not traverse firewalls." Since, Appellants do not understand Herse to teach anything about firewalls, Appellants do not understand Herse to remedy the deficiency in conventional VNCs of not being secure and not traversing firewalls.

Referring to the title, Figure 1A, and Col. 12 lines 28-30, Butman teaches a dynamic client registry apparatus and method that uses firewalls to shield the network associated with a corporation's site. Butman and Herse cannot be combined because Butman teaches firewalls and Herse teaches a VNC system that does not traverse firewalls. Therefore, modifying Butman with Herse would change Butman's principle of operation (MPEP 2143.01(VI)) and would render Butman unsatisfactory for Butman's intended purpose (MPEP 2143.01(V)). Further, modifying Herse with Butman's teachings would change Herse's principle of operation and would render Herse unsatisfactory for Herse's intended purpose.

CONCLUSION

In view of the above remarks, Appellants continue to assert that neither Butman nor Herse teach, describe, or suggest the claimed embodiments, for reasons presented above and for reasons previously presented in the Appeal Brief.

Respectfully submitted,

WAGNER BLECHER LLP

Dated: __September 8_, 2008

_____/John P. Wagner, Jr./_____
John P. Wagner, Jr.
Registration Number: 35,398

WAGNER BLECHER LLP
123 Westridge Drive
Watsonville, CA 95076
(408) 377-0500